

Held 477374

UNITED STATES DISTRICT COURT  
DISTRICT: SOUTHERN/NEW

Date Filed: June 24, 2016

Kevin Moore

vs

Anthony J. Annucci, et al

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK, COUNTY OF ALBANY, SS.:

Shayne Collen, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On August 3, 2016 at 3:05pm, at c/o NYS. Dept. of Corrections and Community Supervisors, 9 West Harriman Campus, Albany, NY 12227, deponent served the within Summons in a Civil Action and Verified Complaint

on: Commissioner Anthony J. Annucci, Defendant therein named.

- By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- By delivering thereat a true copy of each to Ben Rondeem/ Sr. Attorney personally, deponent knew said business/agency so served to be the business/agency described in same as said defendant and knew said individual to be the managing/authorized agent of the business/agency, and said person stated that he/she was authorized to accept service on behalf of the business/agency.
- By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is defendant's[ ] actual place of business [ ] dwelling house (usual place of abode) within the state.
- By affixing a true copy of each to the door of said premises, which is defendant's[ ] actual place of business [ ] dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

On \_\_\_\_\_, deponent completed service by depositing a true copy of each to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

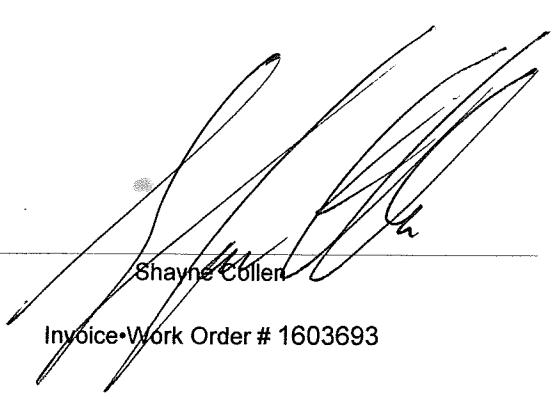
Sex: Male Color of skin: White Color of hair: White Age: 50 - 59 Yrs. Height: 5' 4" - 5' 8"  
Weight: 161 - 200 Lbs. Other Features: Glasses

the authorized witness fee and / or traveling expenses were paid (tendered) to the witness.

Deponent asked person spoken to whether the defendant is presently in military service of the United States Government or of the State of New York and was informed that defendant is not.

Sworn to before me on August 4, 2016

  
Marcy A. O'HARE  
NOTARY PUBLIC, State of New York  
No. 4865530, Qualified in Albany County  
Term Expires July 14, 2018

  
Shayne Collen  
Invoice•Work Order # 1603693

Held 47709

UNITED STATES DISTRICT COURT  
DISTRICT: SOUTHERN/NEW

Date Filed: June 24, 2016

ORIGINAL

Kevin Moore

vs

Anthony J. Annucci, et al

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF ALBANY, SS.:

Shayne Collen, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On August 3, 2016 at 3:05pm, at c/o NYS. Dept. of Corrections and Community Supervisors, 9 West Harriman Campus, Albany, NY 12227, deponent served the within Summons in a Civil Action and Verified Complaint- Jury Trial Demanded

on: Sergeant Kathy Todd-Scott, Defendant therein named.

By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

By delivering thereat a true copy of each to Ben Rondeem/ Sr. Attorney personally, deponent knew said business/agency so served to be the business/agency described in same as said defendant and knew said individual to be the managing/authorized agent of the business/agency, and said person stated that he/she was authorized to accept service on behalf of the business/agency.

By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is defendant's[ ] actual place of business [ ] dwelling house (usual place of abode) within the state.

By affixing a true copy of each to the door of said premises, which is defendant's[ ] actual place of business [ ] dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

On \_\_\_\_\_, deponent completed service by depositing a true copy of each to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex: Male Color of skin: White Color of hair: White Age: 50 - 59 Yrs. Height: 5' 4" - 5' 8"  
Weight: 161 - 200 Lbs. Other Features: Glasses

the authorized witness fee and / or traveling expenses were paid (tendered) to the witness.

Deponent asked person spoken to whether the defendant is presently in military service of the United States Government or of the State of New York and was informed that defendant is not.

Sworn to before me on August 4, 2016

MARCY A. O'HARE  
NOTARY PUBLIC, State of New York  
No. 4865530, Qualified in Albany County  
Term Expires July 14, 2018

Shayne Collen  
Invoice Work Order # 1603695

U.S. DISTRICT COURT OF THE STATE OF NEW YORK  
SOUTHERN-NY COUNTY

INDEX #: 16 CIV 4773

DATE FILED: 6/24/2016

COURT DATE:

Job #: 477372

Your File No:

KEVIN MOORE

vs

ANTHONY J. ANNUCCI, ET AL.,

Plaintiff

HELD & HINES, L.L.P.

2004 RALPH AVENUE

BROOKLYN, NY 11234

COURT DATE

Defendant

ORIGINAL

CLIENT'S FILE NO.:

STATE OF NEW YORK: COUNTY OF NASSAU ss:

## AFFIDAVIT OF SERVICE

Tony Donadio, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 7/25/2016 at 11:20 AM at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 deponent served the within SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on DOWNSTATE CORRECTIONAL FACILITY DEPUTY SUPERINTENDENT FOR SECURITY JOHN/JANE DOE BUY SERVING WILLIAM MANY therein named. THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 6/24/2016

After your deponent was unable with due diligence to serve the recipient by personal delivery, service was made by delivering a true copy thereof to and leaving with HEATHER FRANTZ COWORKER a person of suitable age and discretion at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 said premises being the recipient's business within the State of New York. Deponent asked HEATHER FRANTZ whether recipient DOWNSTATE CORRECTIONAL FACILITY DEPUTY SUPERINTENDENT FOR SECURITY JOHN/JANE DOE BUY SERVING WILLIAM MANY maintains the premises as his/her usual business within the State of New York, and the answer was in the affirmative.

Deponent completed service by depositing a copy of the SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on 7/27/2016 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Mailing was made to 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

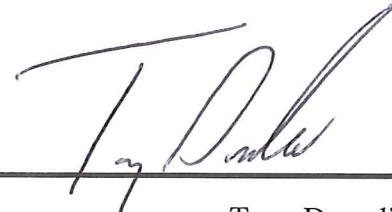
A description of the person served on behalf of the defendant is as follows:

**Approx Age:** 21 - 35 Yrs, **Approx Weight:** 100-130 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Blonde, **Other:**

Deponent spoke to HEATHER FRANTZ,COWORKER, and inquired as to whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and that the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

Sworn to before me on 7/27/2016  
\_\_\_\_\_  
Jason A Saccone 01SA6001537  
Notary Public, State of New York  
Qualified in Nassau County  
Commission Expires January 20th 2018



\_\_\_\_\_  
  
Tony Donadio

U.S. DISTRICT COURT OF THE STATE OF NEW YORK  
SOUTHERN-NY COUNTY

KEVIN MOORE

INDEX #: 16 CIV 4773

DATE FILED: 6/24/2016

COURT DATE:

Job #: 477371

Your File No:

vs

ANTHONY J. ANNUCCI, ET AL.,

Plaintiff

HELD & HINES, L.L.P.

2004 RALPH AVENUE

BROOKLYN, NY 11234

COURT DATE

Defendant

CLIENT'S FILE NO.:

STATE OF NEW YORK: COUNTY OF NASSAU ss:

## AFFIDAVIT OF SERVICE

Tony Donadio, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 7/25/2016 at 11:20 AM at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 deponent served the within SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on CORRECTIONAL OFFICER DONALD COSMAN therein named.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 6/24/2016

After your deponent was unable with due diligence to serve the recipient by personal delivery, service was made by delivering a true copy thereof to and leaving with HEATHER FRANTZ COWORKER a person of suitable age and discretion at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 said premises being the recipient's business within the State of New York. Deponent asked HEATHER FRANTZ whether recipient CORRECTIONAL OFFICER DONALD COSMAN maintains the premises as his/her usual business within the State of New York, and the answer was in the affirmative.

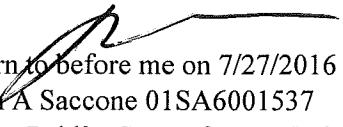
Deponent completed service by depositing a copy of the SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on 7/27/2016 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Mailing was made to 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

A description of the person served on behalf of the defendant is as follows:

**Approx Age:** 21 - 35 Yrs, **Approx Weight:** 100-130 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Blonde, Other:

Deponent spoke to HEATHER FRANTZ,COWORKER, and inquired as to whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and that the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

  
Sworn to before me on 7/27/2016

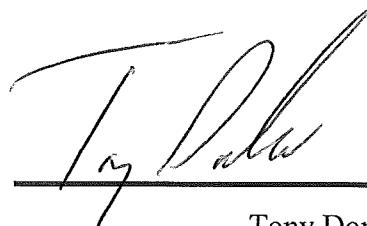
Jason A Saccone 01SA6001537

Notary Public, State of New York

Qualified in Nassau County

Commission Expires January 20th 2018



  
\_\_\_\_\_  
Tony Donadio

ORIGINAL

KEVIN MOORE

vs  
ANTHONY J. ANNUCCI, ET AL.,

Plaintiff  
HELD & HINES, L.L.P.  
2004 RALPH AVENUE  
BROOKLYN, NY 11234  
COURT DATE

Defendant

ORIGINAL

CLIENT'S FILE NO.:

STATE OF NEW YORK: COUNTY OF NASSAU ss:

AFFIDAVIT OF SERVICE

Tony Donadio, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 7/25/2016 at 11:20 AM at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 deponent served the within SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on SUPERINTENDENT ADA PEREZ therein named.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 6/24/2016

After your deponent was unable with due diligence to serve the recipient by personal delivery, service was made by delivering a true copy thereof to and leaving with HEATHER FRANTZ COWORKER a person of suitable age and discretion at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 said premises being the recipient's business within the State of New York. Deponent asked HEATHER FRANTZ whether recipient SUPERINTENDENT ADA PEREZ maintains the premises as his/her usual business within the State of New York, and the answer was in the affirmative.

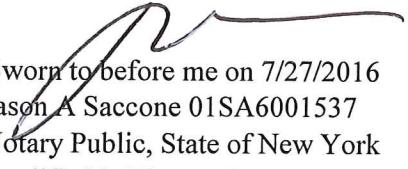
Deponent completed service by depositing a copy of the SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on 7/27/2016 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Mailing was made to 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

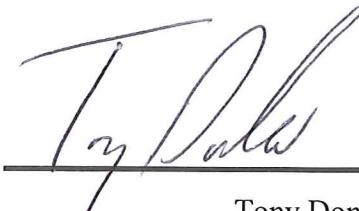
A description of the person served on behalf of the defendant is as follows:

**Approx Age:** 21 - 35 Yrs, **Approx Weight:** 100-130 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Blonde, **Other:**

Deponent spoke to HEATHER FRANTZ,COWORKER, and inquired as to whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and that the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

  
Sworn to before me on 7/27/2016  
Jason A. Saccone 01SA6001537  
Notary Public, State of New York  
Qualified in Nassau County  
Commission Expires January 20th 2018



  
\_\_\_\_\_  
Tony Donadio

KEVIN MOORE

vs  
ANTHONY J. ANNUCCI, ET AL.,

*Plaintiff*  
HELD & HINES, L.L.P.  
2004 RALPH AVENUE  
BROOKLYN, NY 11234  
COURT DATE

*Defendant*

ORIGINAL

CLIENT'S FILE NO.:

STATE OF NEW YORK: COUNTY OF NASSAU ss:

## AFFIDAVIT OF SERVICE

Tony Donadio, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 7/25/2016 at 11:20 AM at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 deponent served the within SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on PANDORA A. VOLPE, RN-II therein named. THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 6/24/2016

After your deponent was unable with due diligence to serve the recipient by personal delivery, service was made by delivering a true copy thereof to and leaving with HEATHER FRANTZ COWORKER a person of suitable age and discretion at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 said premises being the recipient's business within the State of New York. Deponent asked HEATHER FRANTZ whether recipient PANDORA A. VOLPE, RN-II maintains the premises as his/her usual business within the State of New York, and the answer was in the affirmative.

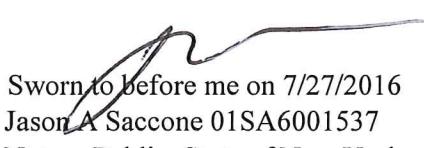
Deponent completed service by depositing a copy of the SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on 7/27/2016 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Mailing was made to 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

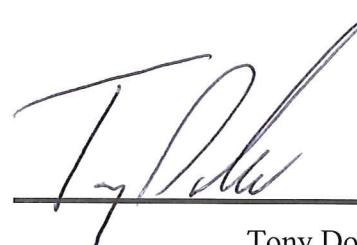
A description of the person served on behalf of the defendant is as follows:

**Approx Age:** 21 - 35 Yrs, **Approx Weight:** 100-130 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Blonde, **Other:**

Deponent spoke to HEATHER FRANTZ,COWORKER, and inquired as to whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and that the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

  
Sworn to before me on 7/27/2016  
Jason A. Saccone 01SA6001537  
Notary Public, State of New York  
Qualified in Nassau County  
Commission Expires January 20th 2018



  
\_\_\_\_\_  
Tony Donadio

KEVIN MOORE

vs

ANTHONY J. ANNUCCI, ET AL.,

Plaintiff

HELD & HINES, L.L.P.

2004 RALPH AVENUE

BROOKLYN, NY 11234

COURT DATE

Defendant

ORIGINAL

CLIENT'S FILE NO.:

STATE OF NEW YORK: COUNTY OF NASSAU ss:

## AFFIDAVIT OF SERVICE

Tony Donadio, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 7/25/2016 at 11:20 AM at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 deponent served the within SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on CORRECTIONAL OFFICER CARSON MORRIS therein named.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 6/24/2016

After your deponent was unable with due diligence to serve the recipient by personal delivery, service was made by delivering a true copy thereof to and leaving with HEATHER FRANTZ COWORKER a person of suitable age and discretion at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 said premises being the recipient's business within the State of New York. Deponent asked HEATHER FRANTZ whether recipient CORRECTIONAL OFFICER CARSON MORRIS maintains the premises as his/her usual business within the State of New York, and the answer was in the affirmative.

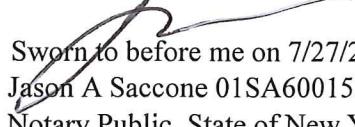
Deponent completed service by depositing a copy of the SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on 7/27/2016 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Mailing was made to 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

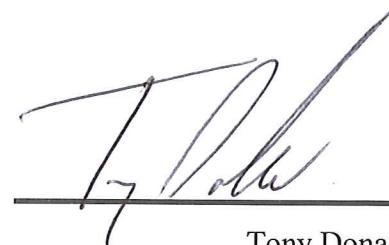
A description of the person served on behalf of the defendant is as follows:

**Approx Age:** 21 - 35 Yrs, **Approx Weight:** 100-130 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Blonde, **Other:**

Deponent spoke to HEATHER FRANTZ,COWORKER, and inquired as to whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and that the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

  
Sworn to before me on 7/27/2016  
Jason A. Saccone 01SA6001537  
Notary Public, State of New York  
Qualified in Nassau County  
Commission Expires January 20th 2018



  
\_\_\_\_\_  
Tony Donadio

KEVIN MOORE

vs

ANTHONY J. ANNUCCI, ET AL.,

Plaintiff

HELD & HINES, L.L.P.

2004 RALPH AVENUE

BROOKLYN, NY 11234

COURT DATE

Defendant

ORIGINAL

CLIENT'S FILE NO.:

STATE OF NEW YORK: COUNTY OF NASSAU ss:

## AFFIDAVIT OF SERVICE

Tony Donadio, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 7/25/2016 at 11:20 AM at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 deponent served the within SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on DOWNSTATE CORRECTIONAL FACILITY HEALTH SERVICES DIRECTOR JOHN/JANE DOE therein named.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 6/24/2016

After your deponent was unable with due diligence to serve the recipient by personal delivery, service was made by delivering a true copy thereof to and leaving with HEATHER FRANTZ COWORKER a person of suitable age and discretion at 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524 said premises being the recipient's business within the State of New York. Deponent asked HEATHER FRANTZ whether recipient DOWNSTATE CORRECTIONAL FACILITY HEALTH SERVICES DIRECTOR JOHN/JANE DOE maintains the premises as his/her usual business within the State of New York, and the answer was in the affirmative.

Deponent completed service by depositing a copy of the SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT on 7/27/2016 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Mailing was made to 124 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

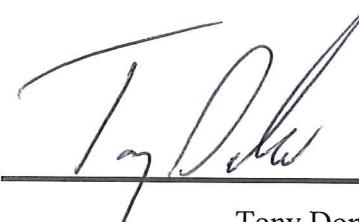
A description of the person served on behalf of the defendant is as follows:

**Approx Age:** 21 - 35 Yrs, **Approx Weight:** 100-130 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Blonde, **Other:**

Deponent spoke to HEATHER FRANTZ,COWORKER, and inquired as to whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependant of anyone in the military and received a negative reply and that the defendant always wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that the term is defined in either the State or in Federal statutes.

Sworn to before me on 7/27/2016  
Jason A Saccone 01SA6001537  
Notary Public, State of New York  
Qualified in Nassau County  
Commission Expires January 20th 2018



  
\_\_\_\_\_  
Tony Donadio